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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,912	10/10/2003	Christina Corral	CO55-001	3068

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Haight, Brown & Bonesteel, LLP  
Attn: Dennis S. Morris, Esq.  
Suite 800  
6080 Center Drive  
Los Angeles, CA 90045

EXAMINER

MAYO, TARA L

ART UNIT PAPER NUMBER

3671

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/683,912	CORRAL, CHRISTINA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tara L. Mayo	3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species B in the reply filed on 30 August 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the series of pleats as set forth in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The abstract of the disclosure filed on 04 May 2005 is objected to because it includes language that can be implied. Amend line 1 of the Abstract to read --A multi-purpose recreational blanket....--. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

5. The prior objection to claims 4 and 19 has been overcome by the response filed 04 May 2005 wherein Applicant substituted generic terminology for the term “Velcro” recited in the claims as originally filed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4, 6, 7 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (U.S. Patent No. 5,966,757 A).

Sullivan ‘757, as seen in Figures 1, 2, 4 and 5, shows a recreational blanket (10) comprising:

with regard to claim 1,

an underside (22);

a lying pad (12) at least partially connected to said underside, said lying pad having at least one edge;

a storage compartment (the space bounded by element 40) along said edge of said lying pad; and

a strap (38A) mounted to said underside;

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with regard to claim 4,

wherein said underside and said lying pad are connected by a detachable fastener (20);

with regard to claim 6,

further comprising a pocket (44) positioned on said underside;

with regard to claim 7,

further comprising a second strap (38B) mounted to said underside such that said strap and said second strap may be utilized by one or more users.

With regard to claim 20, the method steps recited therein are inherent to the use of the device shown by Sullivan '757, wherein the straps are physically connected to storage compartment via the underside (22).

8. Claims 9, 12, 15 through 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fritz et al. (U.S. Patent No. 5,730,529).

Fritz et al. '529, as seen in Figures 2 and 3, shows a recreational blanket (10) comprising a lying pad (12; col. 5, line 3) and a storage compartment (18) adjacent the lying pad, said storage compartment having an underside and a top side (19); and a set of handles (16, 20) connected to said storage compartment in a triangular configuration, wherein the handles are strategically placed such that they will not be located underneath a user in such a manner as cause discomfort (col. 5, lines 49 through 60); further comprising a pillow holder (15) mounted to said lying pad and a pocket (19) positioned on said pillow storage compartment.

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With regard to claim 20, the method steps recited therein are inherent to the use of the device shown by Fritz et al. '529.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (U.S. Patent No. 5,966,757 A) in view of Godshaw (U.S. Patent No. 5,785,427).

Sullivan '757 fails to teach:

with regard to claims 2 and 10,

the storage compartment comprising transparent material; and

with regard to claims 3 and 11,

the storage compartment comprising mesh material.

Godshaw '427, as seen in Figure 2, shows storage apparatus (10) comprising side panels (38) comprising transparent mesh material (Claim 16; col. 2, lines 2 through 4).

With regard to claims 2, 3, 10 and 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757

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such that the storage compartment would comprise transparent mesh material as taught by Godshaw '427. The motivation would have been to permit a user to view the contents of the storage compartment.

11. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (U.S. Patent No. 5,966,757A).

With regard to claim 5, Sullivan '757 discloses all of the features of the claimed invention with the exception of a pocket positioned on the lying pad. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that the lying pad would comprise a pocket. The motivation would have been to provide the user with additional means for storing articles. Furthermore, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With regard to claim 8, Sullivan '757 discloses all of the features of the claimed invention with the exception of a series of pleats disposed on the lying pad. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that the lying pad would comprise a series of pleats since the Examiner takes Official Notice of the use of pleats for gathering excess material necessary for accommodating the expansion of an article.

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12. Claims 9, 12 through 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (U.S. Patent No. 5,966,757A) in view of Fritz et al. (U.S. Patent No. 5,730,529A).

Sullivan '757, as seen in Figures 1, 2, 4 and 5, shows a recreational blanket (10) comprising:

with regard to claim 9,

a lying pad (12); and

a storage compartment (the space bounded by element 40) positioned adjacent to said lying pad, said storage compartment having an underside (formed by element 22) and a top side (formed by element 40); and

further comprising a set of handles (38A, 38B; col. 4, lines 28 through 32);

with regard to claim 12,

further comprising a pillow holder mounted to the end of said lying pad; and

with regard to claim 13,

further comprising a blow-up pillow (42) disposed within said pillow holder.

with regard to claim 14,

further comprising a pocket (44) positioned on said storage compartment;

with regard to claim 15,

wherein said set of handles are geometrically positioned;

with regard to claim 16,

wherein each of said set of handles are straps; and

with regard to claim 19,

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wherein said underside and said top side are connected by a detachable fastener (20).

Sullivan '757 fails to teach:

with regard to claim 9,

a set of handles connected to the storage compartment;

with regard to claim 17,

the set of handles being positioned in a triangular fashion; and

with regard to claim 18,

at least one opening formed on the storage compartment for allowing insertion of the set of handles.

Fritz et al. '529, as seen in Figures 2 and 3, shows a recreational blanket (10) comprising a lying pad (12; col. 5, line 3) and a storage compartment (18) adjacent the lying pad, said storage compartment having an underside and a top side (19); and a set of handles (16, 20) connected to said storage compartment in a triangular configuration, wherein the handles are strategically placed such that they will not be located underneath a user in such a manner as cause discomfort (col. 5, lines 49 through 60).

With regard to claims 9 and 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device shown by Sullivan '757 such that handles would be connected to the storage compartment in a triangular configuration as taught by Fritz et al. '529. The motivation would have been to position the handles on the

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blanket in a way as not to cause a user discomfort but to enable a user to relocate the blanket in an unfolded condition.

With regard to claim 18, Sullivan '757 and Fritz et al. '529 are both silent with regard to the manner of attachment of the handles to the blanket. However, in Figure 2 of Fritz et al. '529, the handles appear to be inserted into openings formed on the storage compartment between elements 12 and 18. In view of the implicit teaching of Fritz et al. '529 for openings in the storage compartment, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device shown by Sullivan '757 such that it would include an opening on the storage compartment for allowing insertion of the handles as suggested by Fritz et al. '529. The motivation would have been to provide for attachment of the handles.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1 through 20 have been considered but are moot in view of the new ground(s) of rejection (i.e., Sullivan '757 as seen primarily in Figure 5).

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlm

15 November 2005



Supervisor